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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Davis et al.
Application No. 09/740,760
Filed: November 29, 2000
Attorney Docket No. CC-0308

:
: **DECISION GRANTING**
: **PETITION**
:
:

This is a decision on the petition, filed on March 28, 2001, requesting that the Notice Of Omitted Item(s) ("Notice"), mailed on March 1, 2001 for the above-identified application, be withdrawn.

The petition is GRANTED.

The application was filed on November 29, 2000. However, on March 1, 2001, the Initial Patent Examination Division mailed the Notice stating that the application had been accorded a filing date of November 29, 2000, but that page 1 of the specification appeared to have been omitted.

In response, the present petition is filed wherein Petitioners argue that page 1 was not omitted from the application filed on November 29, 2000, and was in fact filed along with the remaining 20 pages of the specification on that date. In support, the present petition is accompanied by a copy of Petitioners' postcard receipt indicating receipt by the Office of, *inter alia*, 21 pages of specification for this application on that date. In addition, a copy of page 1 of the specification allegedly filed on November 29, 2000 is enclosed.

The application papers in the Office file include pages 2-21 of the specification, totaling 20 pages, but not a page 1. The information on Petitioner's postcard receipt evidences that 21 pages of specification, which would have included a page 1, were filed on November 29, 2000.

In view of the above, it is concluded that the papers for this particular application were mishandled by the Office.

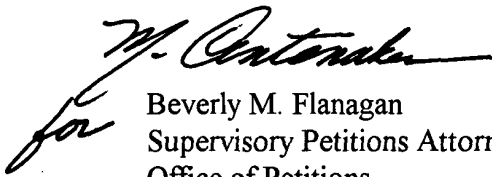
The petition is granted.

The Notice mailed on March 1, 2001 is hereby withdrawn.

The application is being forwarded to the Office of Finance for crediting the \$130.00 petition fee to deposit account No. 50-0260.

Thereafter, the application will be returned to the Initial Patent Examination Division for further processing with a filing date of November 29, 2000, using the specification as filed on that date and supplemented by the page 1 submitted with the present petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.

for

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy